

HOUSE BILL No. 1796

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-6-1.

Synopsis: Personal allowance for county home residents. Allows a resident of a county home to retain one-half of the individual's employment income, after certain deductions.

Effective: July 1, 1999.

Ripley, Whetstone

January 26, 1999, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1796

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-10-6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An individual
3 who:
4 (1) is at least sixty-five (65) years of age, blind, or disabled; and
5 (2) is a resident of a county home;
6 is eligible to receive assistance payments from the state if the
7 individual would be eligible for assistance under the federal
8 Supplemental Security Income program except for the fact that the
9 individual is residing in a county home.
10 (b) The amount of nonmedical assistance to be paid on behalf of a
11 resident in a county home must be based on the daily rate established
12 by the division. The rate for facilities under this section and licensed
13 under IC 16-28 may not exceed an upper rate limit established by a rule
14 adopted by the division.
15 (c) The rate for facilities under this section but not licensed under
16 IC 16-28 must be the lesser of:
17 (1) an upper rate limit established by a rule adopted by the

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1 division; or

2 (2) a reasonable and adequate rate to meet the costs, determined
3 by generally accepted accounting principles, that are incurred by
4 efficiently and economically operated facilities in order to provide
5 care and services in conformity with quality and safety standards
6 and applicable laws and rules.

7 (d) The recipient shall be paid or allowed to retain from the
8 recipient's income a personal allowance in an amount to be established
9 by the division. The amount:

10 (1) may be not less than twenty-eight dollars and fifty cents
11 (\$28.50) and not more than thirty-five dollars (\$35) monthly;

12 (2) is exempt from income eligibility consideration by the
13 division; and

14 (3) may be exclusively used by the recipient for personal needs.

15 (e) In addition to the amount that may be retained as a personal
16 allowance under this section, an individual is allowed to retain an
17 amount equal to the individual's state and local income tax liability.
18 The amount that may be retained during a month may not exceed
19 one-third ($1/3$) of the individual's state and local income tax liability for
20 the calendar quarter in which the month occurs. This amount is exempt
21 from income eligibility consideration by the division. The amount
22 retained shall be used by the individual to pay state or local income
23 taxes owed.

24 (f) The division of disability, aging, and rehabilitative services, in
25 cooperation with the state department of health taking into account
26 licensure requirements under IC 16-28, shall adopt rules under
27 IC 4-22-2 governing the reimbursement to facilities under this section.
28 The rules must be designed to determine the costs that must be incurred
29 by efficiently and economically operated facilities to provide room,
30 board, laundry, and other services, along with minimal administrative
31 direction to individuals who receive residential care in the facilities
32 under this section. A rule adopted under this subsection by:

33 (1) the division; or

34 (2) the state department of health;

35 must conform to the rules for residential care facilities that are licensed
36 under IC 16-28.

37 (g) A rate established under this section may be appealed according
38 to the procedures under IC 4-21.5.

39 (h) The division shall annually review each facility's rate using the
40 following:

41 (1) Generally accepted accounting principles.

42 (2) The costs incurred by efficiently and economically operated

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1 facilities in order to provide care and services in conformity with
2 quality and safety standards and applicable laws and rules.

3 **(i) In addition to any other allowance provided under this**
4 **chapter, an individual described in subsection (a) is entitled to**
5 **retain an amount equal to one-half (1/2) of the remainder of:**

6 **(1) gross earned income for that month; minus**

7 **(2) the sum of:**

8 **(A) sixteen dollars (\$16); plus**

9 **(B) the amount withheld from the individual's paycheck**
10 **for that month for payment of:**

11 **(i) state income tax;**

12 **(ii) federal income tax; and**

13 **(iii) tax prescribed by the federal Insurance Contribution**
14 **Act (26 U.S.C. 3101 et seq.); plus**

15 **(C) transportation expenses for that month.**

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